



Art Unit: 3739

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the control handle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 9, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, it is unclear which of the structures recited in claim 1 the second tubular structure is to be concentric with. In claim 9 the meaning of "section in" is unclear. It is unclear what further manipulative step is intended to be claimed by reciting properties of the elongate member.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9, 15, 17-20, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kittrell et al.

See figures 4, 4A, 13A- F and the specification related thereto.

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Claim 21 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Isner et al.

Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by  
Samson et al. *dm*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Kittrell et al in combination with Heaven. Kittrell et al teach a device as claimed except for the  
particular deflection member. Heaven teaches a deflection member (see figure 1) ~~see~~ which *dm*  
has a cut out and, when viewed in profile, an hour glass shape wherein the width of the cut  
away portion is less than the diameter of the non-cut away portion. It would have been obvious  
to employ the deflection member of Heaven in the device of Kittrell et al, since Kittrell et al  
envision a wide variety of deflection mechanisms, and to form the deflection member so as to  
run from the proximal end <sup>at of</sup> the catheter, since this would provide greater strength, as shown by *r*  
Heaven, thereby rendering the cutout <sup>at</sup> the distal end of the deflection member, and to form the *dm*  
member or surround the member with a fluoropolymer, since these are notorious for use in  
catheters and provide a lubricious surface, official notice of which is hereby taken, and to

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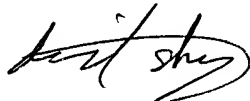
provide the particular location of the cutout, since this is not critical and provides no unexpected result, thus producing a device such as claimed.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kittrell et al in combination with Heaven as applied to claim 12 above, and further in view of .Vassiliadis et al. Vassilidis et al teach the use of gold coating on a laser applicator. It would have been obvious to the artisan of ordinary skill to employ a gold coating, as taught by Vassiliadis, since this would protect tissue from unintended irradiation, thus producing a device such as claimed.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samson et al in combination with Kittrell et al. Samson et al teach a method such as claimed except for the <sup>SUR</sup>measuring and controlling steps and the use of a slideable conductor. Kittrell et al teach the equivalence of slideable and fixed conductors and the desirability of measuring reflected light and controlling the energy based on that, thus it would have been obvious to employ the particular laser ablation method of Kittrell et al in the method of Samson et al, since Samson et al give no particulars of the laser ablation method, thus producing a method such as claimed.

Any inquiry concerning this communication should be directed to David Shay at telephone number (703) 308-2215.

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